

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

**Endangered and Threatened Wildlife
and Plants; Green, Loggerhead, and
Olive Ridley Sea Turtles**

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Clarification of final rule.

SUMMARY: The Service clarifies previously published rules (43 FR 32808; July 28, 1978) governing interstate shipment and sale of certain threatened sea turtles and permit requirements for scientific purposes or enhancement of propagation or survival. The publication of the rules provided a "grace period" contingent on a subsequent publication

by the Environmental Protection Agency (EPA) of a notice of availability and effect of an environmental impact statement (EIS) on the rule. The grace period has now expired and no longer applies; this clarification eliminates any confusion regarding its expiration date.

EFFECTIVE DATE: This amendment is effective March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Clark Bavin, Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (202) 343-9242.

SUPPLEMENTARY INFORMATION:

Background

Rules published in 43 FR 32808 on July 28, 1978, listed the green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), and olive ridley sea turtle (*Lepidochelys olivacea*), as threatened species under the Endangered Species Act and issued special rules for their protection. The rules were effective 30 days after a publication in the *Federal Register* by the EPA regarding the availability of a final EIS with a one-year "grace period" before the prohibitions of § 17.21 (e) and (f) became effective. Those sections provide prohibitions on the interstate commerce and sale of the three species of sea turtles. Permit regulations under § 17.42 (b)(2)(ii) provided that activities related to scientific purposes, enhancement of propagation or survival purposes for the threatened sea turtles could continue without permit up to 90 days after the effective date of the rules. The EIS was published in 43 FR 34479 on August 4, 1978, thus making the provisions of § 17.42 (b)(1)(iv) and (b)(2)(ii) no longer effective.

Since the amendments clarify the special rules and do not change the rules or their effective date, the Service has determined that it is in the interest of the public and unnecessary to follow the notice and comment procedures and that the amendments should be effective upon the date of publication.

Furthermore, these clarifications are not "rules" as defined in 43 CFR Part 14 and therefore the procedures of that Part do not apply. The primary author of this document is Helen M. Morrison, Management Analyst, Division of Financial and Management Systems.

Accordingly, the text of 50 CFR 17.42(b) is amended as follows:

§ 17.42 [Amended]

In paragraph (b) of § 17.42, subparagraphs (1)(iv) and (2)(ii) are deleted and reserved.

Dated: February 20, 1980.

Lynn A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

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